

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

State of Arizona v. Abbott Labs., Inc., et al.,
Cause No. 1:06-CV-11069-PBS

**MOTION FOR DISMISSAL OF THE JOHNSON & JOHNSON GROUP
WITH PREJUDICE**

By and through their counsel, the State of Arizona (“State”), pursuant to Fed. R. Civ. P. 41(a)(2), moves for an Order of the Court dismissing defendants the Johnson & Johnson Group. In support of this motion, the State states as follows:

1. The Johnson & Johnson Group (including Johnson & Johnson, Centocor, Inc., Janssen Pharmaceutica Products, L.P., McNeil-PPC, Inc., and Ortho Biotech), was named a defendant in the above-referenced action.

2. The State of Arizona has entered into a Settlement Agreement and Release (“Agreement”) with the Johnson & Johnson Group. Pursuant to the terms of the Agreement, the State seeks to dismiss all claims asserted by it against the Johnson & Johnson Group.

3. Pursuant to the Agreement, the Johnson & Johnson Group and the State have agreed that each will bear its own legal and other costs incurred in connection with the lawsuit.

4. The dismissal has no effect on the State of Arizona’s claims or allegations against any parties other than the Johnson & Johnson Group in this action.

5. The Johnson & Johnson Group consents to this motion.

WHEREFORE, the parties jointly request that the Court enter an Order dismissing the Johnson & Johnson Group with prejudice. A proposed Order of dismissal is attached.

Dated: September 15, 2010

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 15th day of September, 2010.

By /s/ Steve W. Berman

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